THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ Petition No. 265 (M/S) of 2006
(Under Article 226/227 of the Constitution of India)

Smt. Bhagwan Devi W/O late Sri D.N. Sharma
R/O 135/111, Ara Ghar, Dehradun

…. Petitioner

Versus

1. Court of Civil Judge (Sr. Div.) Dehradun
2. Shri Kamal Kishore, S/o Shri Mali Ram,
   Resident of 14, Dharampur, Dehradun

…. Respondents.

Sri B.P. S. Mer, leaned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the respondent No. 1.

Dated March 23, 2006.

PC:
(Hon'ble B.S. Verma, J.

Heard learned counsel.

The petitioner has filed the present Writ Petition to issue a writ, order or direction to the Civil Judge (Senior Division), Dehradun (respondent no. 1) to decide the Original Suit No. 620 of 1996, Kamal Kishore Vs. Bhagwan Devi, pending disposal in that court, expeditiously.

The record of the case shows that respondent no. 2 filed a suit against the petitioner, registered as Suit No. 620 of 1996 in the court of the respondent no. 1 on 19.9.1996. It is alleged that in the said suit, the petitioner-defendant also filed a counter-claim and respondent no. 2 plaintiff is taking undue advantage of his illegal and forcible possession over the disputed property. It is stated that the petitioner-defendant is an old lady of about 86 years of age. It is alleged that the proceedings of the suit are being prolonged by the plaintiff-respondent No. 2 by adopting delay tactics, so as to cause harassment and injury to the petitioner.

Admittedly the Suit No. 620 of 1996 is pending since 19.9.1996 and the suit has become very old.

In the course of argument, learned counsel for the petitioner submitted that to meet the ends of justice, a direction may be issued to the respondent no. 4 to decide the Original Suit No. 620 of 1996 pending disposal in his court, expeditiously. In the facts and circumstance of the case and considering the fact that the suit has become very old, it is a fit case in which direction for expeditious disposal be issued to the respondent no. 1.

The learned Civil Judge (Jr. Division), Dehradun is directed to decide the aforesaid O.S. No. 620 of 1996, Kamal Kishore Vs. Bhagwan Devi, pending disposal in that court preferably within a period of six months from the date of production of certified copy of this order.

With the aforesaid observation, the Writ Petition is disposed of finally.

(B.S.Verma. J.)

RCP